

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: BUYERS UNITED, INC., d/b/a BUYERSONLINE, d/b/a UNITED CARRIER NETWORKS, AND GLYPHICS COMMUNICATIONS, INC.	DOCKET NO. WRU-03-50-3675
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ORDER GRANTING WAIVER

(Issued September 2, 2003)

On August 13, 2003, Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks (Buyers), and Glyphics Communications, Inc. (Glyphics), jointly filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services. Both Buyers and Glyphics are long distance telecommunications providers in Iowa. No objections to the joint request have been filed.

In support of the joint request, the parties state that they have entered into an agreement whereby Buyers will acquire Glyphics long distance customer base. Glyphics currently serves approximately 141 Iowa customers. The parties also state that all of Glyphics customers will be given proper notice of the transfer by letter. The letter will inform customers of the change in service provider and there will not be a change in the rates, terms, and conditions of services provided to Glyphics'

customers. The letter will also provide a toll-free number for customers to speak to Buyers' about the transfer.

Buyers and Glyphics request a waiver of subrule 22.23(2), which would require individual verification of each customer's agreement to the proposed change in the customers service. To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted based on the Board's review of the information provided by Buyers and Glyphics. The Board finds that it would be an undue hardship for Buyers to obtain over 100 individual authorization verifications for the change in service providers. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all of Glyphics' customers will receive notice of Buyers' acquisition and will be afforded an opportunity to change providers if they choose to do so.

IT IS THEREFORE ORDERED:

The joint waiver request filed by Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks, and Glyphics Communications, Inc., on August 13, 2003, is granted. The verification requirement of 199 IAC 22.23(2) for unauthorized changes in telecommunications service is waived.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 2nd day of September, 2003.